



**Sprint Nextel**

2001 Edmund Halley Drive

Reston, VA 20191

Office: (703) 433-8525 Fax: (703) 433-4142

Mobile: (703) 926-5933

September 16, 2008

Written Ex Parte Communication

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W. Room TW-A325  
Washington, DC 20554

Re: *Improving Public Safety Communications in the 800 MHz Band, et seq.*, WT Docket No. 02-55, ET Docket No. 00-258, ET Docket No. 95-18

*Review of the Spectrum Sharing Plan Among Non-Geostationary Satellite Orbit Mobile Satellite Systems in the 1.6/2.4 GHz Bands*, IB Docket No. 02-364, ET Docket No. 00-258

Dear Ms. Dortch:

On behalf of Sprint Nextel Corporation (Sprint Nextel), Lawrence Krevor, Richard Engelman, and I met yesterday with Helen Domenici, International Bureau Chief; Roderick Porter, International Bureau Deputy Chief; John Giusti, International Bureau Deputy Chief; and Kathryn O'Brien, International Bureau Strategic Analysis and Negotiations Division Chief.

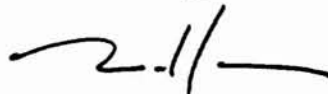
At this meeting, Sprint Nextel's representatives discussed the status of cross-border negotiations in the 800 MHz and 2.5 GHz bands, both of which are undergoing nationwide transitions in the United States. Sprint Nextel also discussed the status of two pending court proceedings to which Sprint Nextel is a party. First, we discussed how Sprint Nextel has attempted to recover a portion of the expense associated with the relocation of incumbent 2 GHz broadcast auxiliary service (BAS) licensees from New ICO Satellite Services G.P. (ICO) and TerreStar Networks Inc. (TerreStar), who together occupy twenty megahertz of the cleared spectrum at 1990-2025 MHz. We explained that the Federal District Court for the Eastern District of Virginia denied the motions to dismiss that ICO and TerreStar had filed against Sprint's legal and equitable claims. We explained further that Sprint Nextel's claims against ICO and TerreStar – who continue to refuse to reimburse Sprint Nextel for any of the costs incurred in clearing the spectrum that they occupy – have been stayed by the court, and that the case has been transferred back to the Commission. See *Sprint Nextel Corp. v. New ICO Satellite*

*Services G.P., et al.*, No. 1:08cv651 (E.D. Va. Aug. 29, 2008) (order referring claims to FCC for resolution).

Second, we discussed an appeal of the Commission's decision to relocate broadband radio service (BRS) operations from unshared spectrum in the 2.1 GHz band to spectrum in the 2496-2500 MHz band that must be shared on a quadruple co-primary basis with operations in the BAS, the mobile-satellite service (MSS), and the industrial, scientific, and medical (ISM) equipment band. We discussed how the unopposed and long-pending joint proposal between Sprint Nextel and the BAS community would help mitigate the likelihood of harmful interference to BRS operations in 2496-2500 MHz band. See Letter from Trey Hanbury, Sprint Nextel, and Christopher Imlay, Society of Broadcast Engineers, to Marlene Dortch, FCC, IB Docket No. 02-364, ET Docket No. 00-258 (June 4, 2008).

Pursuant to section 1.1206(b)(2) of the Commission's rules, 47 C.F.R. § 1.1206(b)(2), this letter is being filed electronically for inclusion in the public record of the above-referenced proceedings. If any questions arise concerning this filing, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Trey Hanbury', with a stylized flourish at the end.

Trey Hanbury, Esq.  
Director, Sprint Nextel Corporation

CC: Helen Domenici, Roderick Porter, John Giusti, Kathryn O'Brien